

REMARKS

Claims 1, 4-53 and 65-75 are pending in this application. Due to a restriction requirement, claims 54-64 are withdrawn from consideration by the Office. New claims 73-75 are added.

Applications Up for Third Action and 5-Year Applications

Section 707.02 of the MPEP has specifically stated that:

"The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent \*>Office< action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort >should be< made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner."

This application was filed on January 2, 2001. It will soon become a 5 year old application as of January 2, 2006. This application is also soon up for a third Office action.

To comply with the requirements of this section of the MPEP, the Applicant respectfully requests the Supervisory Patent Examiner responsible for this application to personally check the pendency of this application with a view toward finally concluding its prosecution and grants a "SPECIAL" status to this application.

**State When Claims Are Allowable**

MPEP 707.07(j)(II) has specifically stated that:

"When an application discloses patentable subject matter and it is apparent from the claims and applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and, when possible, should offer a definite suggestion for correction. Further, an examiner's suggestion of allowable subject matter may justify indicating the possible desirability of an interview to accelerate early agreement on allowable claims.

If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, the examiner may note in the Office action that certain aspects or features of the patentable invention have not been claimed and that if properly claimed such claims may be given favorable consideration.

If a claim is otherwise allowable but is dependent on a canceled claim or on a rejected claim, the Office action should state that the claim would be allowable if rewritten in independent form."

In the outstanding Office action, there is no indication of any allowable subject matter. However, the Applicant has noticed that the Office action fails to address each and every features in the claims. Features that are not identified by the Office as having been disclosed or taught in the asserted prior art should all be regarded as patentable subject matter. As

this application is up for a third Office action and soon to be 5 years old, identification and communication of allowable subject matter as soon as possible are respectfully requested.

**Rejection Under 35 U.S.C. §101:**

Claims 65-72 are rejected under 35 U.S.C. §101 alleging that the claimed invention has failed to comply with the written description requirement. The outstanding Office action elaborated its concerns by stating that "Applicant's specification does teach the requesting and collecting of information being performed by a trusted or third party. If applicant could indicate a support for the claimed invention in applicant's disclosure then the rejection would be withdrawn."

Regarding an example of support for the trusted or third party, please refer to page 16, lines 9-21 of the written specification which states in its entirety that:

"The present invention acts as an information exchange system, which seeks to optimize the matching up of the requests from multiple users for information with their associated multiple criteria/preferences and personal profiles on the one hand, with, on the other hand, the information inventory of multiple suppliers' with their associated multiple specifications, objectives and mandatories. In this embodiment, the user or subscriber has an Information Account and the Supplier or Information Provider has an Information Account each of which maintains active and historical records of requests made, criteria for such requests and a record of delivered results and associated email behaviors and financial transactions as appropriate."

There are three parties here. Namely, the users also called subscribers being the first party, the suppliers being the second party and the present invention being the third party. As explained, the subscriber is making "requests" from the information exchange system of the present invention. The information exchange system of the present invention maintains an "information inventory" received from the suppliers. It is the work of the "information exchange system [of the present invention], which seeks to optimize the matching up of the requests from multiple users for information with ... the information inventory of multiple suppliers ..."

Therefore, the present invention is the third party or the trusted intermediary between the users and the suppliers. The present invention is the trusted intermediary party to the users in the sense that the users are entrusting their requests to the present invention. The present invention is also a trusted intermediary party to the suppliers in the sense that they are entrusting their information to the present invention.

Similar relationships between users, suppliers and the present invention are amply explained throughout the specification. Therefore, they are not redundantly mentioned herein.

As it is shown that the specification indeed supports the trusted intermediary or third party claims, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 U.S.C. §112, Second Paragraph:**

Claims 65-72 are rejected under 35 U.S.C. 112, second paragraph, allegedly for being indefinite.

Regarding who is the trusted intermediary or the third party, it is the present invention. Please refer to the explanation given in response to the 35 U.S.C. §101 rejection.

**Rejection Under 35 U.S.C. §102, anticipation:**

Claims 1-53 are rejected under 35 U.S.C. §102(e) as being anticipated by Murphy et al. (U.S. Patent No. 6,298,307). This rejection is traversed for reasons stated hereinbelow.

Independent claim 1 had been amended to recite:

"1. (Currently Amended) A method of requesting and collecting information from a network via an information account of a system with a processor and a memory, comprising a plurality of steps of:

making a request by indicating to the information account a type of information to be collected desired;

entering a duration in which the request is active;  
collecting in the information account a result obtained from the network in response to the request, within the duration;

storing in the memory both the request and the result."

From a careful study of Murphy, the Applicant cannot find any disclosure or teaching regarding "storing in the memory both the request and the result" feature of the claimed invention.

Furthermore, even though the Office has rejected claims 2-53, the Office fails to indicate where these claimed features are disclosed or taught in Murphy. Claimed features that not disclosed in Murphy should be indicated as patentable subject matter. Should the Office disagree with the inference taken by the Applicant, an indication as to where these claimed features are disclosed in Murphy is respectfully requested.

It is well settled that:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988).

In this anticipation rejection, even though the Office action has not identified where each and every element as set forth in the claim is found, either expressly or inherently described, in Murphy, in the interest of advancing the prosecution of this soon to be five year old application, independent claim 1 has been further amended to recite "A marketing method of requesting and collecting promotional information to influence an individual's purchasing decisions from a network via an information account of a system with a processor and a memory". By so amending, the Applicant has

clearly stated that the present invention is a marketing method, as distinguished from a time varying weather predicting method of Murphy. Also by so amending, the type of information is clearly stated as promotional information to influence an individual's purchasing decisions, as distinguished from a weather related information as stated in Murphy. In the body of the claim, the information account as first introduced in the preamble is specifically referred to, thus the body of the claim breathes life and meaning to the preamble as a whole.

By so amending, independent claim 1 is further patentably distinguished over Murphy. All claim depending thereon, by virtue of inherency, are also patentably distinguished over Murphy.

Reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 USC §103, Obviousness**

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable by Murphy in view of Chern et al. (U.S. Patent No. 6,381,465).

Independent claim 1 has been concurrently amended to recite a marketing method of requesting and collecting promotional information to influence an individual's purchasing decisions from a network via an information account of a system with a

processor and a memory. These features are not disclosed or taught by any of the asserted prior art. By so amending, independent claim 1 is further patentably distinguished over Murphy. All claims dependent thereon, by virtue of inherency, are also patentably distinguished over Murphy in view of Chern.

Reconsideration and withdrawal of this rejection are respectfully requested.

#### **New Claims**

New claims 73-75 are submitted herein by amendment.

New claim 73 is derived from incorporating features of claim 1 and inputting information indicative of a level of readiness to buy feature of claim 10. Neither Murphy nor Chern disclose or teach inputting information indicative of a level of readiness to buy feature. Therefore, allowance of claim 73 is respectfully requested.

New claim 74 is derived from incorporating features of claim 1 and inputting information indicative of a purchase intentionality feature of claim 10. Neither Murphy nor Chern disclose or teach inputting information indicative of a purchase intentionality feature. Therefore, allowance of claim 74 is respectfully requested.



New claim 75 contains the same subject matter as that of the previously canceled claim 3.

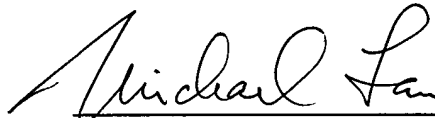
Entry and approval of these newly added claims are respectfully requested.

**CONCLUSION**

As a personal interview is already scheduled with Examiner Retta to be tentatively held on December 7, 2005, should the Examiner be able to meet with the Undersigned Attorney earlier than the scheduled date, the Examiner is invited to contact the undersigned attorney.

The Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account 502840.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Lau", is written over a horizontal line.

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